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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

WILSON, YOLANDA L

ART UNIT PAPER NUMBER

2113

DATE MAILED: 05/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/682,089

Applicant(s)

MORA ET AL.

Examiner

Yolanda Wilson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 18 is/are allowed.
- 6) ☒ Claim(s) 11-13, 15-17, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Allowable Subject Matter***

1. Claims 14 and 18 are allowed.
2. The following is a statement of reasons for the indication of allowable subject matter: The reason for indicating the allowance of claims 14 and 18 is the inclusion of the following limitation having a node that does not have a node pair send a status report to a paired node; and having the paired node report any irregular status but not send a reply message to the node.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 12,13,16,17,19,20 are rejected under 35 U.S.C. 102(b) as being anticipated by Di Giulo et al. (USPN 5452419A). As per claim 12, Di Giulo et al. discloses having a distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; Using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; and Reporting any irregular or non-received responses; and Having any node have the ability to request to reestablish of network peer-to-peer pairs in column 25, lines 29-56. Broadcast messaging is disclosed

in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

5. As per claim 13, Di Giulo et al. discloses Having a Node send a check message to its paired Node requesting its updated status; Having its paired Node reply with a reply check message with any abnormal status; Resending check message if no reply check message is received; Repeating previous step a set number of times; and Reporting any non-received response if no reply check message is received in column 25, lines 29-56; column 17, lines 24-53.

6. As per claim 14, Di Giulo et al. discloses having a distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; Using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; and Reporting any irregular or non-received responses; Having a node that does not have a node pair send a status report to a paired node; and Having the paired node report any irregular status but not send a reply check message to the node in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

7. As per claim 16, Di Giulo et al. discloses A distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; A fault detection means using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at

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network power up; A reporting means reporting any irregular or non-received responses; any node being able to request to reestablish of network peer-to-peer pairs in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

8. As per claim 17, Di Giulio et al. discloses Having a Node send a check message to its paired Node requesting its updated status; Having its paired Node reply with a reply check message with any abnormal status; Resending check message if no reply check message is received; Repeating previous step a set number of times; and Reporting any non-received response if no reply check message is received in column 25, lines 29-56; column 17, lines 24-53.

9. As per claim 18, Di Giulio et al. discloses A distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; A fault detection means using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; A reporting means reporting any irregular or non-received responses; Having a node that does not have a node pair send a status report to a paired node; and Having the paired node report any irregular status but not send a reply check message in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

10. As per claim 19, Di Giulo et al. discloses having a distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; Using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; Using peer-to-peer logic fault detection in which each node communicates with any other node across said common communication network to dynamically find a pair to establish a peer-to-peer checking mechanism at network power up; reporting or storing for later reporting as result of any irregular or non-received responses in the communication among established pairs through said common communication network in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

11. As per claim 20, Di Giulo et al. discloses a distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcasting messaging; a fault detection means using peer-to-peer logic fault detection in which each node across said common communication network dynamically finds a pair to establish a peer-to-peer checking mechanism at network power up; and a reporting means reporting or storing a report for later reporting as result of any irregular or non-received responses in the communication among established pairs through said common communication network in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claims 11 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Di Giulo et al. in view of Jardine et al. (USPN 5884018A). As per claim 11, Di Giulo et al. discloses having a distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; Using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; Reporting any irregular or non-received responses; Using random or pseudo-random timeout generation along with broadcast messaging, the nodes are pair up until every node has an associated pair in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

Di Giulo et al. fails to explicitly state assigning a node a timeout period to periodically send a status report message to its associated partner node; having the partner node generate and send a status report back; and reporting any irregular status or non-received response.

Jardine et al. discloses this limitation in column 14, lines 8-14.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to assign a node a timeout period to periodically send a status report message to its associated partner node; having the partner node generate and send a status report back; and reporting any irregular status or non-received response. A person of ordinary skill in the art would have been motivated to assign a node a timeout period to periodically send a status report message to its associated partner node; having the partner node generate and send a status report back; and reporting any irregular status or non-received response because the status of the node can be determined and further actions can be implemented. Jardine et al. discloses this in column 14, lines 45-58.

14. As per claim 15, Di Giulo et al. discloses A distributed network comprising a group of nodes sharing a common communication network supporting point-to-point and broadcast messaging; A fault detection means using peer-to-peer logic fault detection in which each node finds a pair to establish a peer-to-peer checking mechanism at network power up; A reporting means reporting any irregular or non-received responses; Having a random or pseudo-random timeout generation means along with broadcast messaging means to pair up nodes until every node has an associated pair in column 25, lines 29-56. Broadcast messaging is disclosed in column 13, lines 55-65. Point-to-point messaging is hereby interpreted by the Examiner as being a node being able to communicate with another node.

Di Giulo et al. discloses having the node assigned a timeout period to periodically send a status report message to its associated partner node; having the partner node



generate and send a status report back to the first node; and reporting an irregular status or non-received response.

Jardine et al. discloses this limitation in column 14, lines 8-14.

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the node assign a timeout period to periodically send a status report message to its associated partner node; having the partner node generate and send a status report back; and reporting any irregular status or non-received response. A person of ordinary skill in the art would have been motivated to have the node assign a timeout period to periodically send a status report message to its associated partner node; having the partner node generate and send a status report back; and reporting any irregular status or non-received response because the status of the node can be determined and further actions can be implemented. Jardine et al. discloses this in column 14, lines 45-58.

### ***Response to Arguments***

15. Applicant's arguments with respect to claims 11-13,15-17,19,20 have been considered but are moot in view of the new ground(s) of rejection. The arguments disclosed in the Remarks section refer to patent number 5696895, which was used in the rejection of claims 1,4,6,9 in the previous office action. Claims 1,4,6,9 are now canceled and the rejection of the new claims disclosed above use a different reference; therefore, the arguments based upon patent number 5696895 are moot.

***Conclusion***


16. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yolanda Wilson whose telephone number is (703) 305-3298. The examiner can normally be reached on M-F (7:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
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